In the High Court of Punjab and Haryana at Chandigarh

C.W.P.No.797 of 2008
Date of Decision:08-07-2008

Ramesh Kumar Jain

---Petitioner

vs.

State of Punjab and others

---Respondents

Coram: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Mehsempuri, Advocate,
for the petitioner

Ms.Charu Tuli, Sr. Deputy Advocate General, Punjab

M.M.KUMAR, J.

The instant petition is directed against order dated 11.9.2007 (Annexure P-4) passed by the Divisional Commissioner, Patiala Division, Patiala upholding the order of the Collector dated 3.4.2006 (Annexure P-2). The petitioner has purchased the properties from New Mandi Township, Punjab on 3.7.1984. However, he got executed transfer deed for transferring the property to his name on 10.12.2003. The District Collector, Sangrur expressed the view that the petitioners has to pay stamp duty at the market value of the property whereas he has placed reliance on the letter dated 22.10.2002 which prescribed the value of the plot as Rs. 6,92,500/- at the rate of Rs. 2500/- per square yard.

Ms. Charu Tuli, learned Senior Deputy Advocate General,

Punjab, at the outset states that the order passed by the Collector as also upheld by the Commissioner cannot be sustained as there is lack of evidence to support the findings and as to how the market value has been assessed. Therefore, she states that the impugned orders be quashed by remanding back the case to the Collector for determination afresh in accordance with law.

In view of the above, the writ is allowed, the impugned order dated 3.4.2006 (Annexure P-2) passed by the Collector and the order dated 11.9.2007 passed by the Divisional Commissioner, Patiala Division, Patiala (Annexure P-4) are set aside.

Parties through their counsel are directed to appear before the District Collector, Sangur, on 22.7.2008.

The writ petition is disposed of accordingly.

(M.M.KUMAR)
JUDGE

(SABINA)
JUDGE

July 08, 2008
paramjit